

**BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001**

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**EXPERIMENTAL PERIODICALS  
Co-PALLETIZATION DROPSHIP DISCOUNTS**

**Docket No. MC2002-3**

**STATEMENT OF AMERICAN POSTAL WORKERS UNION, AFL-CIO  
CONCERNING STATEMENT OF UNITED STATES POSTAL SERVICE  
CONCERNING COMPLIANCE WITH FILING REQUIREMENTS AND  
MOTION FOR WAIVER  
(October 17, 2002)**

The American Postal Workers Union, AFL-CIO ("APWU") opposes the Postal Service's request to incorporate materials from Docket No. R2001-1 to satisfy the filing requirements in the Commission's Rules of Practice and Procedure (Rule 54, 64 and 67), but supports the Postal Service's motion for waiver of those filing requirements. The APWU agrees with the Postal Service that the filing requirements in question, concerning overall costs, volumes and revenues, should be waived for this case.

The APWU opposes incorporation of materials from Docket No. R2001-1 in this case or any other. That case, as the Postal Service acknowledges at footnote 2 of its September 26, 2002 motion for waiver, was settled on a non-precedential basis. The data for R2001-1 was outdated when it was submitted, *having been developed and prepared prior to September 11, 2001, and was made even more out of date by the anthrax attacks of October, 2001.* See Opinion and Recommended Decision Approving Stipulation and Agreement, Docket No. R2001-1, paragraphs 1001 – 1009. Finally, because R2001-1 was not fully litigated, using data from that case may lead to litigation of issues in this case that were not litigated in R2001-1 because of the settlement of R2001-1.

The APWU urges the granting of the Postal Service's motion for waiver in this case as the data is unnecessary for this experiment and waiving the

requirements will avoid unnecessary litigation on issues that are not relevant to this case.

Respectfully submitted,



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#### **CERTIFICATION**

I hereby certify that I have this date served the foregoing document in accordance with the rules of practice



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October 17, 2002